MOHAMED MOKHTAR BIN SARJANI v. PUBLIC PROSECUTOR

[A.Cr.J. (Wee Chong Jin C.J.) September 15, 1976]
[Singapore — Magistrate's Appeal No. 104 of 1976]

Dangerous Drugs — Trafficking — Offence committed on board Singapore registered ship on high seas — Jurisdiction of District Court — Merchant Shipping Act (Cap. 172), ss. 3 and 374 — Misuse of Drugs Act, 1973, ss. 3(a) and 29.

Shipping — Jurisdiction — Offences on board ship — Merchant Shipping Act (Cap. 172), ss. 3 and 374.

The appellant was charged with trafficking in a controlled drug on board a Singapore registered ship contrary to section 3(a) of the Misuse of Drugs Act 1973. He was convicted by the District Court and was sentenced to imprisonment for a term of 20 years and to 15 strokes of the rotan. On appeal it was argued on his behalf that there was no statutory provision conferring criminal jurisdiction on a District Court to try offences committed outside the territorial limits of Singapore.

Held, dismissing the appeal: there being uncontradicted evidence that the appellant was a Singapore citizen and the ship a Singapore ship the trial court clearly had jurisdiction to try the appellant.

Case referred to:—

(1) *Robey* v. *Vladinier* [1935] All E.R. Rep. 695.

MAGISTRATE'S APPEAL.

Peter Tio Pee Tat for the appellant.

Tan Teow Yeow (Deputy Senior State Council) for the respondent.

Wee Chong Jin C.J.: The appellant, Mohamed Mokhtar bin Sarjani, was convicted by the District Court on the following charge: —

"That he, between January 1, 1976 and January 7 1976 on board the M/S Rasa Sayang, a Singapore Ship registered under Part XIII of the Merchant Shipping Act, Chapter 172, in the high seas between Port Klang, West Malaysia and the Java Sea, trafficked in a controlled drug specified in Class A of the First Schedule of the Misuse of Drugs Act, 1973, to wit, 55 plastic phials weighing 11.19 grams of diamorphine (heroin) without authorisation under the said Act or the regulations made thereunder and thereby committed an offence under Section 3(a) and punishable under section 29 of the Misuse of Drugs Act, 1973 as amended."

He was sentenced to imprisonment for a term of 20 years and to 15 strokes of the rotan which is the minimum sentence prescribed by law. He now appeals against his conviction.

The only submission argued on behalf of the appellant is that there is no statutory provision conferring criminal jurisdiction on a District Court to try offences committed outside the territorial limits of Singapore. It would seem that counsel has overlooked the provisions of section 374 of the Merchant Shipping Act (Cap. 172) read with section 3 of the same Act. These two sections provide as follows: —

"374.—(1) Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Singapore which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed.

(2) Nothing in this section shall affect the Admiralty Offences (Colonial) Act, 1849."

"3. As from September 2, 1966, Parts I to XII of this Act shall apply in relation to Singapore ships as they apply to British ships, and, unless the context otherwise requires, references in those Parts to 'British-registered ships', 'British ships', and 'British ships registered in Singapore' shall be construed as if they included a reference to 'Singapore ships'."

It is clear, if the offence had been committed in Singapore, that section 30 of the Misuse of Drugs Act confers jurisdiction on a District Court to try the offence. In my judgment, there being uncontradicted evidence that the appellant is a Singapore citizen and the ship a Singapore ship the trial court clearly had jurisdiction to try the appellant. (See *Robey* v. *Vladinier*).[1]

The appeal is dismissed and the conviction and sentence affirmed.

Appeal dismissed.

Solicitors: *S.K. Lee & Co.*